

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE
DIVISION OF BUSINESS SERVICES**

**CHAPTER 1360-8-5
UNIFORM COMMERCIAL CODE
SEARCH REQUESTS AND REPORTS**

TABLE OF CONTENTS

1360-8-5-.01 General requirements.
1360-8-5-.02 Search requests.
1360-8-5-.03 Optional information.

1360-8-5-.04 Rules applied to search requests.
1360-8-5-.05 Search responses.

1360-8-5-.01 GENERAL REQUIREMENTS.

- (1) The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-523(c), 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

1360-8-5-.02 SEARCH REQUESTS.

- (1) Search requests shall contain the following information.
 - (a) Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual shall consist of a first, middle, and last name, followed by any suffix that may apply to the name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.
 - (b) Requesting party. The name and address of the person to whom the search report is to be sent.
 - (c) Fee. The appropriate fee shall be enclosed, payable by a method described in rule 1360-8-1-.14. However, the filing office may permit search requests unaccompanied by an adequate payment amount or no prepayment to be invoiced, with payment due within sixty days; if a remitter has outstanding past due invoices, new search requests will not be processed without prepayment of applicable fees.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-523(c), 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

1360-8-5-.03 OPTIONAL INFORMATION.

- (1) A UCC search request may contain the any of the following information.
 - (a) A request that copies of documents referred to in the report be included with the report. The request may limit the scope of the search and copies requested by limiting them by reference to the initial financing statement identification number(s), the address of the debtor, the city of the

(Rule 1360-8-5-.03, continued)

debtor, the date of filing (or between two specified dates, or prior to or subsequent to a specified date) or the identity of a secured party of record.

- (b) A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request may contain the following statement: "A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."
- (c) Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-523(c), 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

1360-8-5-.04 RULES APPLIED TO SEARCH REQUESTS.

- (1) Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. The following, and only the following rules are applied to conduct searches.
 - (a) There is no limit to the number of matches that may be returned in response to the search criteria.
 - (b) No distinction is made between upper and lower case letters.
 - (c) Punctuation marks and accents are disregarded.
 - (d) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Corporation Administrator's as from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).
 - (e) The word "the" at the beginning of the search criteria is disregarded.
 - (f) All spaces are disregarded.
 - (g) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials.
 - (h) After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in unlapsed financing statements in the UCC information management system, the search will reveal only names of active debtors that, as modified, exactly match the name requested, as modified.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-523(c), 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

1360-8-5-.05 SEARCH RESPONSES.

- (1) Reports created in response to a search request shall include the following.
 - (a) Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.
 - (b) Report date. The date the report was generated.
 - (c) Name searched. Identification of the name searched.
 - (d) Certification date. The certification date applicable to the report; i.e., the date through which the search is effective to reveal all relevant UCC documents filed on or prior to that date.
 - (e) Identification of initial financing statements. Identification of each active initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
 - (f) History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.
 - (g) Copies. If requested, copies of UCC documents revealed by the search.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-523(c), 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.